

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

4/28/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00291DAE
CASE NAME: USA v. Lopini Katoa
ATTYS FOR PLA: Thomas Muehleck
ATTYS FOR DEFT: Michael Healy
USPO: Derek Kim

JUDGE: David Alan Ezra

REPORTER: Steve Platt

DATE: 4/28/2006

TIME: 11:15am-11:25am(m/d)
11:25am-12:00pm(sent)

COURT ACTION: EP: Sentencing to Count 1 of the Information as to Defendant Lopini Katoa. Government's Motion for Downward Departure.

Defendant Lopini Katoa present, not in custody.

The Memorandum Plea Agreement is accepted. Defendant qualifies for the Safety Valve.

Government's Motion for Downward Departure-GRANTED.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Lopini Katoa.

SENTENCE:

Imprisonment: TIME SERVED

Supervised Release: 5 YEARS

CONDITIONS:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).

3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).[DRUG TESTING IS WAIVED]
6. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$100.00.

Defendant advised of his right to appeal.

Submitted by: Theresa Lam, Courtroom Manager